



1400 Independence Avenue, SW.  
Room 2095-S, STOP 0203  
Washington, DC 20250-0203

May 1, 2019

**Delivered via Electronic Mail**

Russ Kick  
MuckRock News  
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[69703-06779928@requests.muckrock.com](mailto:69703-06779928@requests.muckrock.com)

**Re: Final Response to FOIA Request 2019-AMS-00135-F**

Dear Mr. Kick:

This is the final response to your Freedom of Information Act (FOIA) request, dated April 15, 2019, to the U.S. Department of Agriculture's Agricultural Marketing Service (AMS). Your request was received on April 16, 2019 and sought access to the agency's FOIA request log covering 2018, which includes a field showing the subject of each request and a field for the final disposition.

The AMS FOIA staff works with subject matter experts across the Agency to locate responsive documents. For this request, a search was conducted within the Compliance, Safety and Security Division (Division) of AMS' Management and Analysis Program (MAP). The Division contains the official FOIA Office for all AMS. AMS' search began on April 16, 2019. Our search provided responsive records in AMS' control on that date.

We have processed 30 pages that are responsive to your request. After a thorough review, we have determined that parts of 12 pages are exempt from disclosure under (b)(4), (b)(6) and (b)(7)(C) of the FOIA, 5 U.S.C. § 552, as amended. The remaining 18 pages are being released in their entirety. Accordingly, this request is granted in part.

Exemption 4 of the FOIA protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." Disclosure of this information may cause substantial competitive harm to the person from which this information was obtained. Further, disclosure of this information may impair the government's ability to obtain necessary information in the future. The information withheld consists of a bank account number and name of the bank. Disclosure of this information could lead to injury to the financial status of the business through theft or competitive harm.

Exemption 6 of the FOIA permits the government to withhold information regarding individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy" and where such privacy interests outweigh any public interest which would be advanced by the disclosure of their information. Within this record set, AMS is withholding the names and personal email addresses

of private individuals and their identifying information. Disclosure of this information could result in unwarranted contact and/or unwarranted association with investigations of negative activity.

Exemption 7(C) of the FOIA provides protection for personal information in law enforcement records the disclosure of which “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” The requested information being withheld consists of names and identifying information regarding subjects, witnesses and investigators of AMS investigations. The mere involvement of an individual in an investigatory matter, even if the individual is blameless, could result in reputational harm.

This concludes processing of your request. You may appeal our determination within 90 days from the date of this letter. Your appeal should be clearly marked to indicate that it contains a FOIA appeal and include specific reasons why you believe modification of the initial action is warranted. Any such appeal should be addressed to:

Bruce Summers  
Administrator  
Agricultural Marketing Service  
1400 Independence Avenue, S.W.  
Stop 0201, Room 3071  
Washington, D.C. 20250-0201

If you have any questions about the way this request was handled, please contact Jewell Little at (202) 572-5441 or [jewell.little@usda.gov](mailto:jewell.little@usda.gov). If you have general questions or concerns regarding AMS’ FOIA procedures or regulations, please contact our FOIA Public Liaison, Bill Allen, at (202) 720-3785 or via email at [ams.foia@usda.gov](mailto:ams.foia@usda.gov).

Additionally, you may contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at (202) 741-5770; toll-free at 1-(877) 684-6448; or facsimile at (202) 741-5769.

Thank you for your interest in AMS programs and policies.

Sincerely,

*Mark R. Brook*

Mark R. Brook  
FOIA Officer  
Agricultural Marketing Service

Enclosure